

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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FORM NO. 4
 (SEE RULE 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

Original Application No. 104/05

Misc. Petition No.

Contempt petition No.

Review Application No.

Applicants. B. N. Sonma

Respondents. H. O. I. Gons

Advocates for the Applicant. K.N. Chaudhury, R. Duby, J. Patowary
J. Chaudhury, G. Rahul

Advocates of the Respondents.

Notes of the Registry	Dated	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs 50/- and pos. J vide P.C.D.B. No. 205/16/0685.</p> <p>Dated <u>8.5.05</u></p> <p><i>[Signature]</i> for Dy. Registrar</p>	13.5.2005	<p>Heard Mr. I. Chaudhury, learned counsel the applicant and also Ms. U. Das, learned Addl. C.G.S.C. for the respondents.</p> <p>The application is disposed of at the admission stage itself in terms of the order passed in separate sheets.</p>
<p>Received Usha Das. Addl. C.G.S.C. 25/5/05</p> <p><u>26.5.05</u> Copy of the judgment has been sent to the D.P.C. for issuing the same to the applicant by post.</p> <p><i>[Signature]</i> Received Usha Das. 9/1/05</p>	04.01.2006	<p><i>[Signature]</i> Member</p> <p>Present : Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.</p> <p>Hon'ble Mr. N.D. Dayal, Member (A).</p> <p>In view of the order passed in M.P., the O.A. is closed.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 104/2005

DATE OF DECISION 13.5.2005

Sri B.N. Sarma APPLICANT(S)

Mr. K.N. Choudhury, Mr. I. Chowdhury, ADVOCATE FOR THE
Mr. R. Duby, Mr. J. Patowary, Mr. G. Rahul APPLICANT(S).

-VERSUS -

Union of India & Ors. RESPONDENT(S)

Ms. U. Das, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.

{ NO

Varaprasad

2

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH**

Original Application No. 104/2005

Date of Order : This the 13th day of May, 2005

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.
The Hon'ble Sri K.V. Prahladan, Administrative Member.

Sri Brij Nandan Sarma
Son of Late M. Sarma
Resident of Narengi Pathar Quarry
(Near Anchalik College)
P.O. - Udayn Bihar, Guwahati - 26.

... Applicant

By Mr. K.N. Choudhury, Sr. Advocate, Mr. I Chowdhury,
Mr. R. Duby, Mr. J. Patowary, Mr. G. Rahul, Advocates.

- Versus -

1. The Union of India,
Represented by the Secretary to the Govt. of India
Ministry of Defence, New Delhi - 11.
2. The Director General of EME
Army Headquarter, New Delhi - 110 001.
3. Estt. Officer,
1 Advance Base Workshop EME
C/o 99 APO
4. The Commandant
1, Advance Base Workshop EME
C/o - 99 APO

... Respondents

By Ms. U. Das, Addl. C.G.S.C.

O R D E R (ORAL)SIVARAJAN J. (V.C.)

After hearing Mr. I. Chowdhury, learned counsel for the applicant and also Ms. U. Das, learned Addl. C.G.S.C. for the respondents, we are of the view that the application can be disposed of at the admission stage itself.

2. The applicant was initially appointed as Pattern Maker in the year 1967 and his services made permanent in the said post on 01.01.1979 (Annexure - A). Later, his case was considered for selection to the post of Master Craftsman in the year 1999. Due to want of vacancy, he could not be appointed/promoted to the said post. The Government of India, Ministry of Finance re-structured the Industrial and Non-Industrial cadre of the artisans staff and merged the grades of Highly Skilled - II and Highly Skilled - I into a single Highly Skilled category. The Government also introduced the ACP Scheme as per order dated 20.05.2003 (Annexure - C). It is stated that the Government thereafter formulated the terms and conditions for consideration of an incumbent under the ACP Scheme for promotion. The applicant retired from service on 30.08.2003 as Highly Skilled (Pattern Maker) in the pay scale of Rs. 4000-6000/- . According to the applicant, he is entitled to get pensionary benefits fixed on the basis of the ACP Scheme dated 20.05.2003 under Clauses 3(a), 3(b) and 3(c), particularly clause 3(c). His pensionary benefits had to be fixed treating him as 'Master Craftsman' since, according to the applicant, he would fall within 10% of Highly Skilled cadre (specified in Clause 3(c) of Para 3 of the

9/11

ACP Scheme, Annexure - C). It is the further case of the applicant that though he had made representations dated 14.05.2004 and 20.09.2004 (Annexure - D) for the said relief, the respondents had rejected the same without properly understanding his case by communications dated 29.05.2004 and 19.10.2004 (Annexure - E).

3. Mr. I. Chowdhury, learned counsel for the applicant submits that the Respondents are bound to fix the retiral benefits of the applicant based on Clause 3(c) of the ACP Scheme, i.e. by treating the applicant within 10% of Highly Skilled cadre, namely Master Craftsman, which has not been done in the impugned order. Counsel further submits that the applicant's case falls within 10% of Highly Skilled Cadre to be treated as Master Craftsman as provided under Clause 3(c).

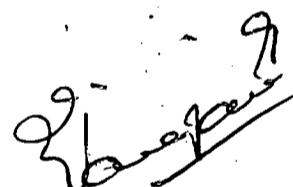
4. Ms. U. Das, learned Addl. C.G.S.C. for the respondents, on the other hand, submits that since the applicant has not been promoted as Master Craftsman, there is no question of fixing his pensionary benefits treating him as a Master Craftsman.

5. We have perused the representations and orders produced alongwith the application. We find that the respondents rejected the claim of the applicant on the sole ground that the applicant did not hold the post of Master Craftsman before his retirement. As we have already noted, the case of the applicant was not for promotion to the post of Master Craftsman; on the other hand his claim was based on Clause 3(c) of the ACP Scheme (Annexure - C), i.e., according to the applicant 10% of Highly

Skilled trade had to be treated as Master Craftsman and if it is done, the applicant will come within that, particularly for the reason that the applicant's case was considered and recommended for promotion to the post of Master Craftsman but could not be done only in view of the fact that there was no vacancy. In the circumstances, if the applicant makes a proper representation highlighting the aforesaid facts within a period of one month from today, the concerned respondents will consider the same and shall pass a speaking order with reference to the communication dated 20.05.2003 (Annexure - C) and any other relevant Rules in that regard within three months thereafter.

The application is disposed of as above at the admission stage itself. The applicant will produce a copy of this order alongwith his representation for compliance.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(G. SIVARAJAN)
VICE CHAIRMAN

/mb/

10 MAY 200

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

ORIGINAL APPLICATION NO. 104 OF 2005

LIST OF DATES/SYNOPSIS

31.01.1967: The applicant joined in service as Civilian/Pattern Maker in Carpentry Division of No.1 Advanced Base Workshop, EME.

01.01.1979: The services of the applicant as Pattern Maker made permanent.

(Annexure-A/Page No.11)

1999: The name of applicant was forwarded for being considered for the post of Master Craftsman. However, the same could not be given effect due to non-availability of a vacant post. Concerned authorities were also directed to create a post of Master Craftsman for absorbing the applicant.

20.05.2003: The Government of India in the Ministry of Defence restructured the Industrial and Non-industrial cadre of the artisans staff and merged the grades of Highly Skilled-II and Highly Skilled-I into a single Highly Skilled category. The Government also introduced the ACP Scheme basically to counter the problem faced by the Government in failing to promote the person for want of a vacant post.

(Annexure-C/Page No.14-16)

The Government thereafter formulated the terms and conditions for consideration of an incumbent under the ACP Scheme for promotion.

30.08.2003: The applicant finally retired from the post of Highly Skilled (Pattern Maker) in the pay scale of Rs.4000-6000/-.

14.05.2004/ The applicant submitted representations before the respondent authorities inter-alia ventilating his grievances against the refusal of the respondent authorities to promote him under the ACP Scheme, although he duly qualified for promotion way back in the year 1999. The applicant prayed before the respondents to give him notional promotion with all consequential benefits thereof under the ACP Scheme.

29.05.2004: The respondent authorities replied to the representations submitted by the petitioner and did not consider his case.

19.10.2004

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

O.A. No. _____ of 2005

Sri Brij Nandan Sarma Applicant

-Versus-

The Union of India & Ors. Respondents

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Filed by
(Mr. Gautam Rahul)
Advocate

10
Filed by
The Applicant
Through Rohit
Gupta
10/16/05

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

(An Application under Section 19 of the Administrative Tribunals
Act, 1985.)

ORIGINAL APPLICATION NO. /2005

BETWEEN

Sri Brij Nandan Sarma
Son of Late M. Sarma
Resident of Narengi Pathar Quarry,
(Near Anchalik College),
P.O. – Udayn Vihar, Guwahati - 26

APPLICANT

-AND -

1. The Union of India,
Represented by the Secretary to the Govt. of Assam
Ministry of Defence, New Delhi – 11.
2. The Director General of EME
Army Headquarter, New Delhi – 110 001.
3. Estt. Officer,
1 Advance Base Workshop EME
C/o 99 APO
4. The Commandant
1, Advance Base Workshop EME
C/o 99 APO

RESPONDENTS.

DETAILS OF THE APPLICATION

1. **PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE:**

The instant application has been preferred against the impugned action of the Respondent authorities in refusing to consider the case of the applicant for promotion and thereby depriving the applicant of all the consequential benefits thereof.

2. **JURISDICTION OF THE TRIBUNAL:**

The Applicant declares that the subject matter of the application is well within the jurisdiction of this Hon'ble Tribunal.

3. **LIMITATION:**

The Applicant further declares that this application is filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. **FACTS OF THE CASE:**

4.1 That the applicant is a citizen of India and a resident of Narengi Pathar Quarry (Near Anchalik College), in the district of Kamrup, Assam and as such, he is entitled to all the rights, privileges and protections guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder.

4.2 That the applicant joined the service under the Respondent authorities as Civilian/Pattern Maker in Carpentry Division of 1 Advance Base Workshop, EME, on 31st January 1967. Subsequently, the service of the applicant as 'pattern maker' was made permanent on 1st January 1979, with basic pay of Rs. 350/- (Three Hundred and Fifty Rupees Only). Thus the applicant is a civilian employee under the Respondent authorities.

A copy of the certificate dated 01.01.1979 converting the post of the applicant to a permanent one is annexed herewith and marked as

ANNEXURE – A.

4.3 That the applicant humbly begs to state that the pay scale is determined with the grade structure available in the industrial as well as in the non-industrial trades of the Defence Artisan Staff. At the time of permanent absorption of the applicant in the post of pattern maker, the Defence Artisan Staff comprised of three Grade Structures viz., Skilled, Highly Skilled and Master Craftsmen with different scales of pay. However, the Grade of Highly Skilled was sub-divided into two grades i.e., H.S.- I and H.S. – II. But, subsequently the Government of India, Ministry of

Defence vide their letter No. 11(1)/2002/D(Civ)-1 dated 20.05.2003 restructured the grade in trades and pay scale of Defence Artisan staff by merging the H - I and H - II Grades into a single grade of Highly Skilled. The pay scale of the Highly Skilled grade was fixed at Rs. 4000-6000/- . The applicant further states that after joining services as civilian/pattern maker, he continued to serve with sincerity and honesty and by the dint of his hard work, he was promoted to the grade of Highly Skilled Grade - I with effect from 1st August, 1997.

4.4 That the applicant begs to state that the applicant being Highly Skilled Grade - I pattern maker was twice i.e. in the year 1999 and in the year 2000, recommended for selection to the post of Master Craftsmen. However, the Respondent authorities most willfully and deliberately refused to consider the case of the applicant for promotion. It is pertinent to mention herein that some other persons who were similarly situated like that of the applicant herein were given promotions. The Respondent authorities have even allowed the applicant to be superceded by the persons who were much junior to him. But for reasons best known to the respondent authorities the applicant's case was never considered for promotion to the post of Master Craftsmen. Thereafter various representations were submitted by the applicant before the respondent authorities, but the Respondent authorities failed to consider the same. Such action on the part of the Respondent authorities was detrimental to the interest of the applicant inasmuch as the applicant suffered great injustice and prejudice. The respondent authorities ought to have considered the case of the applicant in a just and fair manner and given the applicant what he, as a matter of right, deserves i.e., right to be considered for promotion to the grade of Master Craftsmen. The applicant was recommended for promotion to the post of Master Craftsmen after complete assessment and was found by the concerned authorities to be fully eligible for the post of Master Craftsmen. However, such recommendations were turned down by the Respondent authorities due to non-availability of any vacant post of Master Craftsmen.

A copy of the said recommendation is annexed herewith and marked as **ANNEXURE - B.**

4.5 That it is pertinent to state herein that the Government of India, Ministry of Defence vide letter No. 11(1)/2002/D(Civ-I) dated 20.05.2003, restructured the industrial and non-industrial Cadre of the Artisan Staff in the Defence Establishments by modifications pursuant to recommendations of the 5th CPC whereby the grades of Highly Skilled – II and Highly Skilled – I were merged into Highly Skilled category with the ratio of 65.35(20+15). And further, the selection from Highly Skilled grade to the grade of Master Craftsmen was to be 10% of the Highly Skilled Cadre (i.e. 10% of 35% of the total) and such placement in the posts resulting from the aforesaid restructuring the ratio revision shall be made with effect from 01.01.1996 upto the date of issue of the said order. The said letter dated 20.05.2003 categorically stated that the post of the Master Craftsman shall not be part of the hierarchy and any placement made in this grade shall not be treated as promotion for highly skilled grade either under normal promotion rules or under the ACP. The said letter dated 20.05.2003 also provided that the posts of the Master Craftsman shall continue to be considered as highly skilled grade for the purpose of promotion to the grade of Chargeman (in the pay scale of Rs. 5000-8000). The ACP Scheme was basically introduced by the Government of India in order to counter the problem faced by the Government in failing to promote a person for want of a vacant post. The Government as such under recommendation of the 5th CPC took a policy decision for upgradation of those persons working in different posts but who could not be promoted, inspite of fulfilling all the criteria for promotion, for non-availability of vacant posts. The basic idea behind adopting such a policy decision was to check the stagnation in services due to lack of adequate promotional avenues without creating new posts.

A copy of the said letter dated 20.05.2003 is annexed herewith and marked as ANNEXURE – C.

4.6 That pursuant to issuance of the aforesaid letter dated 20.05.2003 the Government formulated the terms and conditions for consideration of an incumbent for promotion under the Assured Career Progression Scheme for promotion. The following conditions were to be fulfilled by an incumbent to be considered for promotion under the ACP Scheme:

- (a) Fulfillment of normal promotion norms, i.e., bench mark as per ACR regarding (Average), seniority-cum-fitness for Gr. 'D' employees or Trade Test for Industrial employees is a must.
- (b) Employees who have completed eligibility service as on 09.08.1999 but retired prior to first meeting of Screening Committee will also be considered for grant of benefits under ACP Scheme if assessment is based on ACRs. However, the same will not be applicable in cases where passing of Grade test is mandatory for promotion as per the RRs as assessment based on such tests is not possible after date of superannuation.

4.7 That the applicant begs to state that in the year 1999 he was assessed by the Respondent authorities for being elevated to the post of Master Craftsman. The applicant came out successfully in all the assessments carried out by the authorities. The applicant's name thereafter was duly recommended for being elevated to the post of Master Craftsman. However, due to the non-availability of a post of Master Craftsman during that point of time the applicant could not be elevated. However, the Respondent authorities being highly satisfied with the services of the applicant had recommended for creation of an additional post of Master Craftsman for accommodating the applicant.

The applicant craves leave of this Hon'ble Tribunal to produce a copy of his assessment report at the time of hearing of the instant case.

4.8 That the applicant finally retired on 30.08.2003 from the post of Highly Skilled (Pattern Maker) in the pay scale of Rs. 4000-6000/- It is pertinent to mention herein that although the ACP Scheme was brought into effect on 20.05.2003 yet the Respondent authorities most willfully and deliberately failed to consider the case of the applicant for promotion. Being highly aggrieved and dissatisfied by such non-consideration of the legitimate right of the applicant for promotion the applicant submitted several representations ventilating his grievances and praying before the Respondent authorities for consideration of the

case of the applicant with retrospective effect by giving him notional promotion from the date of implementation of the ACP Scheme and thereby allowing him all the post retirement pecuniary benefits thereof.

A copy of the one such representation submitted by the applicant 14.05.2004 and 24.09.2004 are annexed herewith and marked as ANNEXURE - D Colly.

4.9 That the aforesaid representations submitted by the applicant were dealt with by the Respondent authorities vide letters dated 29.05.2004 and 19.10.2004. The Respondent authorities had issued both these letters without any application mind and with an absolute mechanical approach. The Respondents authorities failed to consider the fact that the applicant was entitled for promotion way back in the year 1999. The Respondent authorities simply rejected the aforesaid representations submitted by the applicant only on the ground that the applicant had never worked as a Master Craftsman to be considered for the next grade of promotion i.e. the Post of Chargeman. The Respondent authorities failed to take note of the fact that the applicant was working in the grade of highly skilled in the pay scale of Rs. 4000-6000/- As such, he was very much feeder cadre for being promoted to the post of Chargeman. Needless to mention herein that several persons who were placed much below the applicant had been arbitrarily promoted by the Respondent authorities by superseding the applicant.

Copies of the aforesaid letters dated 29.05.2004 and 19.10.2004 are annexed herewith and marked as ANNEXURE - E colly.

5. GROUND FOR RELIEF/S WITH LEGAL PROVISIONS:

5.1 For that the Respondent authorities have acted in a manner contrary to the policy decision of the Government of India inasmuch as Ministry of Defence letter No. 11(1)/2002/D(Civ-I) dated 20.05.2003 in refusing to promote the applicant by giving him notional promotion with retrospective effect and thereby giving all the consequential benefits thereof.

- 5.2 For that the Respondents authorities have failed to consider the fact that the name of the applicant was approved for the post of Master Craftsman way back in the year 1999 but could not be placed in the said post for want of vacancy and efforts were made to create a new post of Master Craftsman for accommodating the applicant. The post of Master Craftsman being kept in the same hierarchy as that of Highly Skilled, as such the petitioner in terms of the Assured Career Progression Scheme had already qualified before his retirement for being promoted to the post of Chargeman, which is the next grade in the hierarchy. As such, the applicant is entitled to be promoted in terms of the ACP Scheme even after his retirement on notional basis with all consequential benefits thereof.
- 5.3 For that the Respondent authorities have acted in a manner contrary to all the settled and established principles of service jurisprudence in refusing to promote the applicant and promoting other persons who were much junior to the applicant. Such action on the part of the respondent authorities is violative of Articles 14 and 16 of the Constitution of India. Although an employee cannot claim promotion as a matter of right, however, as has been held by the Hon'ble Supreme Court, the right to be considered for promotion is a fundamental right. In view of the facts and circumstances that have been narrated hereinabove, it was incumbent upon the respondents to consider the case of the Applicant in the light of the policy decision of the Govt. of India. Moreover, the fundamental right guaranteed to the Applicant under Article 16 of the Constitution of India was infringed the moment his immediate junior was promoted.
- 5.4 For that the actions of the respondent authorities in refusing to promote the applicant retrospectively, on notional basis with effect from the date of implementation of the ACP Scheme has highly prejudiced the rights and interest of the applicant. The Respondent authorities by acting in such a manner has deprived the applicant of his legitimate pecuniary benefits to which he is entitled from the date of implementation of the ACP Scheme by way of promotion on notional basis.
- 5.5 For that the actions of the Respondent authorities is violative of the fundamental as well as other legal rights of the applicant as has been laid

down by the Hon'ble Apex Court in a catena Judgements that consideration for promotion is a fundamental right of a citizen.

5.6 That this application is made bonafide and for the cause of justice.

6. **DETAILS OF REMEDIES EXHAUSTED:**

That the applicant declares that he has no other alternative and efficacious remedy available to him except by way of this instant application.

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:**

That the applicant declares that no such writ petition or suit has been filed regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. **RELIEFS SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application and notice be issued to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs:

- 8.1 Direct the Respondent authorities to consider the case of the applicant for promotion to the post of Chargeman with effect from the date of implementation of the ACP Scheme on notional basis.
- 8.2 Direct the Respondent authorities to make payment of all the pecuniary dues of the applicant including arrear salary after promoting the applicant on notional basis from the date of implementation of the ACP Scheme.
- 8.3 Direct the Respondent authorities to revise and make payment all the pensionary benefits of the petitioner in terms of the notation promotion.
- 8.4 Costs of the application.

8.5 Any other relief or reliefs to which the applicant is entitled to, under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.

9. **PARTICULARS OF THE IPO.**

i. I.P.O. NO. : 20 G J 606 85
ii. Date of Issue : 8/5/2005
iii. Issued from : G.P.O. Jnuwahali
iv. Payable at : Jnuwahali

10. **DETAILS OF ENCLOSURES:**

As stated in the Index.

V E R I F I C A T I O N

I, Shri B.N. Sharma, son of Shri Late M. Sarma, aged about 61 years, resident of Village - Narengi, Pathar Quary (near Anchalik College) Guwahati - 26, in the district of Kamrup, Assam, do hereby solemnly affirm and verify that I am the Applicant No. 1 in the instant application and as such, I am fully conversant with the facts and circumstances of the case. The statements made in Paragraphs-4.1, 4.2, 4.3 (Partly), 4.4 (Partly), 4.7, 4.8 and 4.9 are true to my knowledge and those made in Paragraphs-4.3(Partly), 4.4 (Partly), 4.5 and 4.6 are matters of records derived therefrom, which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 10th day of May, 2005 at Guwahati.



SIGNATURE OF THE APPLICANT

11 ~

CERTIFICATE

ANNEXURE A

Certified that Civilian/Pattern Maker Shri BN Sharma is serving in this Workshop since 31 Jan 1967. His basic Pay is Rs 350/- and total monthly emoluments is Rs 684/- (Rupees six hundred eighty four only). He has been declared as permanent Defence employees wef 01 Jan 79.

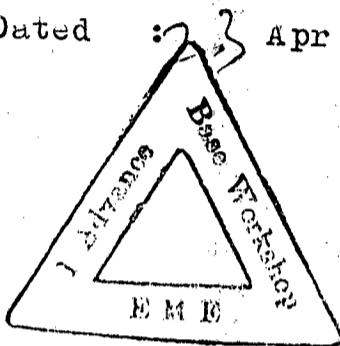
Station : C/O 99 APO

Dated : 23 Apr 82

13. 8/8/82
(BA Dandapani)

Major

Accounts Officer
for Offg Commandant



Certified to be true copy.

Ref: 222 2551

(ii)-12-

ANNEXURE B

Headquarters
Eastern Command (EME Branch)
Fort William, Calcutta-21

332217/2/EME Civ

15 Dec 2000

HQ Base Wksp Group (EME)
Meerut Cantt- 250 001

CREATION OF GRADE OF MASTER CRAFTSMEN IN THE DEFENCE ESTABLISHMENT

1. Refer to your letter No 28901/MCM/Est dt 06 Nov 99 and Sig Q 8196 dt 22 Nov 2000.
2. Assessment report duly completed in respect of Civ/PM Brij Nandan Sharma of 1 Adv Base Wksp EME is fwd herewith in duplicate for your necessary action please.

Encls : (Eight)

WBAXI
S. K. Bakshi
Col
Col EME
for Offg MG EME

Copy to :-

1 Adv Base Wksp EME ✓ for info wrt their letter No 20781/Civ/IP dt 08 Dec 2000.

BR/CR
30

Certified to be true copy.

[Signature]

Date : 6/12/2001/5114

Headquarters
Base Wksp Group EME
Neerut Cantt-250001-5000007

22001/MCM/Est

6/12/01 Jul 2000

Headquarters
Eastern Command (EME)
Fort William, Calcutta-21

1. Adv. Base Wksp EME
C/O 99 APD

CREATION OF GRADE OF MASTER CRAFTSMEN IN THE
DEFENCE ESTABLISHMENT

1. Refer HQ Eastern Command (EME Br) sig Q-8576 dated 01 Jul 2000.
2. Assessment report in respect of Petern Maker Shri Brij Nandan Sharma of your Wksp was placed before Departmental Selection Committee held in Mar 2000. Due to non availability of vacancy in Petern Maker no elevation to MCM was made in this trade.
3. Further, it may please be noted that the result of Departmental Selection Committee is intimated by the Dte Gen of EME (EME Civ) or by this HQ in the form a list of successful candidates. No communication is sent regarding others who are not elevated either due to non-availability of vacancy or not making up in merit.
4. HQ Eastern Command (EME Br) only. In this connection please refer to this HQ letter No. 20001/MCM/DPC/Est dated 10 Apr 2000.

Bf
02
15

W.M.
— (KL Sehgal)
EME Offr (Civ)
Est Offr
for Cdr

P-27 of 24501/Gen (File)

COD -14-

MAZDOOR SANGH
KANPUR (UP.)

ANNEXURE - C

No. 11(1)/2002/D(Civ. I)
Government of India
Ministry of Defence

New Delhi, the 20th May, 2003

To

The Chief of Army Staff
The Chief of Air Staff
The Chief of Naval Staff
The DGOF.
& all the Heads of Inter Services Organisations

Subject: Restructuring of Cadre of Artisan Staff in Defence Establishments in modification of recommendations of 5th CPC.

Sir,

The matter regarding restructuring of Cadre of Artisan Staff in Defence Establishments has been under consideration of the Government for quite some time. Now in partial modification of the recommendations of the Vth CPC made in paras 54.16-18 and 54.29 of its report, I am directed to convey the sanction of the President as under:-

2. The grade structure in the industrial as well as in the non-industrial trades, wherever already available and the pay-scales of the Defence artisan staff shall stand modified w.e.f. 1.1.96 as under:-

(i)	Skilled	Rs. 3050-4590
(ii)	Highly Skilled (HS-I + HS-II)	Rs. 4000-6000
(iii)	Master Craftsman	Rs. 4500-7000

3. (a) Wherever the grade structure in the Industrial as well as in the Non-Industrial trades is already existing in the ratio of 65:20:15, in the erstwhile Skilled : HS-II : HS-I, the merger of HS-II and HS-I shall be treated to have come into effect from 1.1.96 and the grade structure of Skilled and Highly Skilled categories shall be in the ratio of 65:35(20+15).)

(b) The post of Master Craftsman shall not be part of the hierarchy and the placement in this grade will not be treated as promotion for Highly Skilled Grade either under normal promotion rules or under ACP Scheme.

2.../-

Certified to be true copy.

(c) The selection from Highly Skilled grade to the grade of the Master Craftsman shall be 10% of Highly Skilled Cadre (i.e. 10% of 35% of the total) and the placement in this grade shall be w.e.f. 1-1-96 and upto the date of the issue of these orders.)

(d) The placement of the individuals in the posts resulting from the restructuring and ratio revision, shall be made w.e.f. 1-1-96, in relaxation of the conditions, if any, i.e. trade test etc., as one time measure.

(e) The above provisions may also be made applicable, as a special case, in relaxation of the existing rules/instructions to the employees who have either retired or died after 1-1-96.

4. (i) From the date of issue of these orders, all the trades classified as Skilled (including left out trades) in the Industrial as well as in the non-Industrial Estts. shall now be modified in the following inter-grade ratio :-

1. Skilled	(Rs. 3050-4590)	: 45%
2. Highly Skilled	(Rs. 4000-6000)	: 55%
3. Master Craftsman	(Rs. 4500-7000)	: 25% of the Highly Skilled Grade posts will be placed in the grade of the Master Craftsman. They will, however, not be a part of the hierarchy.

(ii) The above-mentioned inter-grade ratio shall be worked out based on the sanctioned/authorized strength.

(iii) Since the post of Master Craftsman is not part of the hierarchy, the placement in this grade shall not be treated as promotion for Highly Skilled Grade either under normal promotion rules or under ACP Scheme.

(iv) The post of Master Craftsman shall continue to be considered as highly skilled grade for the purpose of promotion to the grade of Chargeman-II (Rs. 5000-8000).

(v) The benefit of the first and second ACP to the skilled workers will be as per the orders issued by the DOP&T under their O.M. dated 9.8.99 and subsequent clarifications issued on the subject.

(vi) Where there is direct recruitment at the level of HS-I/HS-II in Defence Estts., the number of Master Craftsmen (not exceeding 25% of Highly Skilled) may be decided considering the functional requirements by the concerned administrative Sections in the Ministry of Defence in consultation with their concerned Integrated Finance.

(vii) The placement of the individuals in the posts resulting from the above restructuring and ratio revision shall be made from the date of issue of the orders, in relaxation of the conditions, if any, as one time measure.

(viii) The procedure for selection to the grade of Master Craftsman shall be as laid down in para-2 & 3 of Ministry of Defence letter No. 1(2)/80/D(Civ.1) dated 21st September, 1982, as amended with the exception that the number Master Craftsmen in each trade shall be upto 25% of the total number of sanctioned posts in the Highly Skilled grade in each Organisation instead of 10% as was provided for in para-2(i) of aforesaid Ministry of Defence letter.

(ix) The existing recruitment rules for the Tradesmen may be amended accordingly.

5. The expenditure involved will be debitible to the respective Heads of Defence Services Estimates.

6. This issues with the concurrence of the Ministry of Defence(Finance) vide their U.O. No. 350/PB/03, dated 19.5.2003.

Yours faithfully,

Piara Ram

(Piara Ram)

Under Secretary to the Government of India

Copy to :

AG/MP-4(Civ)(d)	DGNCC/Pers(C)	DGDE/Admin
Air HQrs./PC-5	DGAEMS/DG-2(B)	DGAQA
NHQ/CP Dte.	OFB, Kolkata	DGQA/Admin-7B
R&D/Orgn./DOP	DPR	CAO/Coord
AG/MP-4(Civ)(d)	R&D/DOP/MPD	

Copy also to :

D(Appu); D(Fy.II); D(R&D); D(GS.III); D(QS); D(Q&C); D(JCM); D(AG); D(N-II);
D(At.III); D(Works); D(O-II); D(Med); D(GS-VI).

The CGDA; All CDAs; All Sr. Dy. DADS; The DGADS; The Dy. DGADS The Asstt. Audit Officers(Defence Services), Kirkee, Kanpur, Bangalore and Allahabad; The Director of Accounts (Postal) APS Section, Nagpur-440001.

DFA(AG/PB); DFA(Navy); DFA(AF)/Org; DFA(Works); DFA(Budget-II); AFA(DP-I); C.C.A.(Factory), Kolkata.

To

The Commandant
1 Adv Base Wksp EME
C/O, 99 APO

RESTRUCTURING OF CADRE OF ARTISAN STAFF IN
DEFENCE ESTABLISHMENTS IN MODIFICATION OF
RECOMMENDATION OF 5TH CPC

Sir,

I have the honour beg to inform you that the Govt of India, Min of Def vide their letter No. 11(I)/2002/D(CIV-I) dated 20 May 2003 has restructured the grade in the industrial and Non industrial trades, wherever already available and pay scales of the Defence artisan staff stand modified wef 01.01.1996 as under:-

- (a) Skilled Rs. 3050-4590.00
- (b) Highly Skilled Rs. 4000-6000.00
(HS-I & HS-II)
- (c) Master Craftsman Rs. 4500-7000.00

As per the previous Existing grade structure ratio in the industrial and non industrial was 65: 20: 15, in the erstwhile skilled HS-II, HS-I, the merger of HS-II & HS-I shall have come into effect from 01.01.1996. Accordingly I was promoted to Highly skilled grade (i.e. Pattern Maker) in the scale of Pay Rs. 4000-6000 and subsequently retired from service in the above pay scale.

As per the instructions contained in the said letter I am entitled to the next higher grade of Master Craftsman in the scale of pay Rs. 4500-7000/- wef. 1.01.1996, because the selection from highly grade to the grade of the Master Craftsman shall be 10% of highly skilled cadre (i.e. 10% of 35% of the total) and the placement in this grade shall be wef 01.01.1996 upto the date of issue of these order.

The above provisions are also applicable, as a special case, in relaxation of the existing rules/instruction to the employees who have either retired or died after 01.01.96.

Under the provision laid down in the ibid letter, I therefore request your honour kindly to consider my case by restructuring the grade from pattern makers to Master Craftsman in the scale of pay Rs. 4500 -7000/- wef. 01.01.1996 and arrange to pay my arrear and revision of pension and gratuity etc.

Yours faithfully,

(B.N. Sharma)
Ex- Pattern Makers
1 Adv Base Wksp EME

Dated: 14 May 2004.

Revised
18/5/04
N/10/04

Certified to be true copy.

To

Directorate General of EME
Army HQ, New Delhi-110011.

Sub : IN THE MATTER OF PROMOTION TO NEXT HIGHER
GRADE OF MASTER CRAFTSMAN

Sir,

With due respect and humble submission, I beg to state the following for favour of your kind consideration and gracious action please :

That Sir, I was an employee of 1 Advance Base Workshop L12, C/o 97 AFQ and holding the post of Pattern Maker in the scale of pay Rs. 4000 - 6000/-, subsequently I retired from service in the year 2003 without promotion.

That Sir, during my service period I requested my employer for getting my promotion to next higher grade of Master Craftsmen.

That, Govt of India, Min of Def vide their letter No.11(1) 2002/U(Civ-1) Dated 20 May 2003 has restructured the grade in trades and pay scales of Defence Artisan staff stand modified w.e.f 01-1-96 as under :

- (a) Skilled Grade - 3050 - 4500
- (b) Highly skilled gd - 4000 - 6000
(merging with
MS-I & MS-II)
- (c) Master Craftman - 4500 - 7000

That as per the instructions contained in the said letter, I am entitled to next higher grade of Master Craftsmen in the scale of Rs. 4500 - 7000/- w.e.f 01-1-96. The provisions also applicable to the retired or death case also after 01-1-96.

In view of the above, your good office would be kind enough to consider my case and instruct the concerned authority for implementation of the Govt policy so that I may get promotion of Master Craftsmen with the pay scale of 4500 - 7000/- w.e.f 01-1-96 and obliged.

With best regards

Yours faithfully,

Dated : 8 Sep 2004.

(R/H Sharma)

Ex-mpyee

1 Adv Base Workshop L12

C/o 97 AFQ

Copy End to:

1. MDCB, 12th Batt Comd
2. HQ 11th Inf Regt
3. HQ 11th Inf Div

For info and further action also

Copy to 1. Govt. of India, MoD, L12
C/o 97 AFQ

2. Secy, Departmental Council L12
JGM, 10, Lodhi Estate
New Delhi-11.

For info and your necessary
intervention is solicited.

General Secy,
MEWCC, Hazaribagh
Jharkhand-27

...
...

For similar action
please.

E
Colly

Tele : 6914

1 Adv Base Wksp EME
C/O 99 APD

23201/Civ/PC/BNS

29 May 2004

Ex-Civ Pattern Maker
Shri Brij Nandan Sharma
Vill. : Haengi (Near Narangi)
Anchalik College
PO: Udayan Vihar
Distt : Kamrup, Guwahati (Assam)

**RESTRUCTURING OF CADRE OF ARTISAN STAFF IN DEFENCE ESTABLISHMENTS
IN MODIFICATION OF RECOMMENDATION OF 5TH CPC**

1. Refer to your application dated 14 May 2004.
2. In this connection, it is intimated to you that you were employed in this wksp on 31 Jan 1967 in lieu of combatant. You were trade tested at unit level and on qualifying grade II & I of your respective trade, you have been granted 2 promotions and accordingly your pay was fixed to higher scale as admissible by the audit authorities. Your last basic pay at the time of your retirement was Rs. 6000/- in the scale 4000-6000. Your first PPO was issued by CDA (Pension Allahabad) on 20 Jun 2003 duty granted monthly pension @ Rs. 2960/- and further revised by CDA (Pension) Allahabad vide their PPO No C/Corr/ADC/0287/03 dt 10 Mar 2004 @ Rs. 3460/-pm. The same was fed to the Manager SBP, Main Branch and also handed over to you vide our letter No 23101/Civ/PC/BNS dated 02 Apr 2004.
3. You have been granted your all legitimated dues as admissible duty audited/verified your service book at all audit level.
4. It is not understood as to how you have asking for granting pension in Master Craftsman grade, in the scale of Rs. 4500-7000. As per records available with your service book you were never promoted to the rank of Master Craftsman. However, it is seen from our records that your case was projected for MCH, but could not be considered due to non availability of vacancies in pattern maker trade. Hence question for granting pension/gratuity in MCH grade does not arise in this stage.
5. The above facts are intimated for your information.

(All Members)
Major
Est. Officer
for Offg Comdt

wsd/civ/pc/bns

Certified to be true copy.



23201/Civ/PC/BNS

Dte Gen of EME
MGO's Branch
Army Headquarters
DHQ, PO, New Delhi-11

19 Oct 2004

IN THE MATTER OF PROMOTION TO NEXT HIGHER GRADE OF
MASTER CRAFT MAN

1. Pl Refer indl's application dated 24th Sep 2004 submitted by Ex/PM BN Sharma addsd to Dte Gen of EME, AHQ with a copy to this unit.

2. In this connection, it is submitted that the above indl was employed in this wksp on 31 Jan 1967 in lieu of combatant. - He was trade tested at unit level and on qualifying grade II & I of his respective trade, he has been granted 2 promotions and accordingly his pay was fixed to higher scale as admissible by the audit authorities. His last basic pay at the time of his retirement was Rs.6000/- in the scale 4000-6000. His first PRO was issued by CDA (Pension) Allahabad on 20 Jun 2003 duly granted monthly pension @ Rs.2960/- and further revised by CDA (Pension) Allahabad vide their PPO No C/Corr/AOC/8287/03 dt 16 Mar 2004 duly gtd monthly pension @ Rs 3960/- pm. The same was fwd to the Manager, SBI Main Branch and also handed over to him vide our letter No 23101/Civ/PC/BNS dated 02 Apr 2004.

3. He has been granted his all legitimate dues as admissible duly audited/verified his service book at all audit levels on his retirement on 30 Sep 2003.

4. It is not understood as to how he is asking for granting pension in Master Craftsman grade in the scale of Rs. 4500-7000. As per records available with his service book he was never promoted to the rank of Master Craftsman. However, it is seen from our records that his case was projected for MCM, but could not be considered due to non availability of vacancies in pattern maker trade. Hence, question for granting pension/gratuity in MCM grade does not arise at this stage. ✓

5. The above facts are intimated for information please.

(Rajesh Kumar)
AO
Lt Col
OIC Adm & OC Tps
for Commandant

Copy to :-

MGEME, HQ East Comd
Fort William
Kolkata -21

- for information please.

Secy, Department Council of
JCM, 18, Lodhi Estate
New Delhi -11

-do-

General Secy,
NERDWCC
Guwahati-27

-do-

Ex-Civ Shri BN Sharma
Vill : Narangi (Near Narangi
Anchaliik College
PO : Udyan Vihar
Distt : Kamrup, Guwahati (Assam)

In this connection, please
ref this unit letter No
23201/Civ/PC/BNS dt 29 May
2004.

Q 11-11-01